



BOARD OF HEALTH MEETING

September 20, 2016 – 7:00 PM

Rockport Town Hall Annex

Present: Board members Dr. Sydney Wedmore - Chair, Dr. Russell Sandfield, Dr. Sydney Jimenez, Dr. Bruce Cohen, Health Agent Leslie Whelan, Assistant Town Administrator Mitchell Vieira, Food Inspector Laura Osmond, and Administrative Assistant Marianne Peters.

6:30 p.m: Chairman Wedmore called the meeting called to order. Read the newly adopted public guidelines aloud for Board of Health meeting participants.

COMMUNITY CONCERNS:

Dr. Cohen talked about the upcoming/October 6th forum on the marijuana legalization initiative.

SCHOOL HEALTH/PUBLIC HEALTH DISCUSSION - ROB LIEBOW, SUPERINTENDENT OF SCHOOLS:

The Board members invited Superintendent Liebow to familiarize them with the school health care personnel as they will be working collaboratively on physical and mental health care for adolescents. Superintendent discussed school health professionals comprised of 3 full-time nurses and 4 psychologists (which are licensed psychologists in Counselor/Psychologist roles) and outlined the level of staffing and their responsibilities. As Dr. Cohen will be involved on the Board of Health side on adolescent healthcare, he inquired about the school's database and reporting structure and asked for confirmation that it interfaces with the Massachusetts Department of Public Health. Superintendent Liebow stated that the school's current "Healthmaster" program is being phased out by the new "MIDAS" program which will interface with the Department of Public Health in the reporting process (Jeanne Pratt & Sarah Sawyer will be the nurses reporting to the state).

LOBSTER POOL – SEATING CAPACITY:

Dr. Wedmore presented an historical summary of the Lobster Pool Restaurant; since the 1960s has changed owners 3-4 times over the years and that now the intended use and seating capacity has evolved into a difference of opinion between neighbors and owners. Number of seats allowed had been murky where it once said 75 but further research showed that the Board of Appeals in 1974 (when the owners wished to change configuration of building) reaffirmed that the restaurant would have capacity for 60 inside and 6 picnic tables (36 additional seats) outside for a total of 96. Building Inspector Paul Orlando stated that the capacity of 60 inside is based on the fire code (which is square footage of the space and size of egress doors). The Zoning Board approved '6 tables' outside and although not numerically stated/defined in records, common sense/standard would be 6 people at a picnic table; 3 on each side as stated by Dr. Wedmore. In 1974, was a tight tank only; in 1986, a 1000 gallon leach pit was added. Over time, a one-bedroom apartment was added to the building. Based on records, the Board of Health confirmed the seating capacity as historically being 96 and will remain at 96 in the continuation of existing use; 60 inside, 36 outside.

Food Inspector reported on the number of active diners for the past few months at peak dining times (weekends/dinner/sunset) and at highest count, found 65. Lobster Pool owners and Fire Captain Jack Porter also counted and reported the number as 65. Dr. Wedmore addressed the abutters' complaints about traffic and stated that several divers, Halibut Point goers, and runners/walkers park at the site. Food Inspector confirmed seeing several walkers park by the Lobster Pool but walk up to Halibut Point

State Park. Lobster Pool owners hired/paid for a police detail on the weekends to assist with parking; ensure no double-parking, and to keep flow of traffic to appease neighbors.

Dr. Jimenez made a motion to keep the seating capacity at its original and historical number; 60 people inside and 36 outside. Dr. Cohen motioned to amend to also say 6 tables maximum outside. Dr. Cohen asked Health Agent if the new tight tank could be approved for 96; her response was that it can. The board discussed concern about failed system; it was suggested that the owners expedite the remediation and work with the attorneys involved to do so. Dr. Jimenez made a revised motion to allow 60 seats inside and 6 tables outside (for presumed capacity for 36 diners) which has historically been allowed by ZBA. Dr. Sandfield seconded; Dr. Cohen amended to 6 tables at 6' in length outside; it was voted to maintain status quo of the historically allowed 96 diners. The Board also instructed Food Inspector Laura Osmond to continue with her headcounts for the remainder of the season and then again next spring.

HEALTH AGENT REPORT:

Herbicides: Continuation of herbicide near wells; she spoke with DPW; the herbicides are directly applied to the leaves. As far as mechanical removal, a lot more expensive and not enough staff. As questions remain, Dr. Sandfield recommended the DPW be invited in to discuss/present to board; agent to invite DPW to October meeting.

Rat complaint: 154 Main Street; owner continues to feed birds despite Agent's several attempts at asking that the feeders be removed. Health Agent okayed to write Order Letter.

Complete Streets/Mass in Motion: the DPW Commissioners will be meeting with Mass in Motion; then possibly the Selectmen; from there, a community forum on the Complete Streets could be organized.

FOOD INSPECTOR REPORT:

Feather and Wedge opened. Continuing to work with FOG Coordinator Gary LeBlanc on the grease traps. Working with Administrative Assistant Marianne Peters on organizing a ServSafe Certification Class in early November (2nd) for the food establishments to teach the newly adopted 2013 Food Code for those whose Serv-Safe certifications may be at renewal stage.

TOBACCO SALES REGULATION (21 YEARS OF AGE) – SIGNATURES & ENACTMENT DATE:

Recently drafted regulations were signed with the enactment date of November 1, 2016. The regulations prohibit the sale of tobacco and nicotine products to persons under the age of 21. Dr. Cohen moves to have November 1, 2016 as implementation date of new regulations. Dr. Jimenez seconded, 1 abstention; vote passed: 3:1

REVIEW OF MEETING MINUTES – JUNE 28, 2016 AND AUGUST 23, 2016:

Dr. Sandfield made a motion to accept June 28 minutes with noted changes; Dr. Jimenez seconded, and it was voted unanimously to accept the June 28 minutes with amendments.

Dr. Sandfield made a motion to accept August 23 minutes with noted changes, Dr. Jimenez seconded, and it was voted unanimously to the August 23 minutes with amendments.

NEXT MEETING DATE: October 25 at 7:00 p.m.

AGENDA PREP MEETING DATE: October 17 at 9:00 a.m.

ADJOURN:

Dr. Wedmore recommended a motion be made to adjourn; Dr. Cohen moved to adjourn, Dr. Jimenez seconded, and it was voted unanimously to adjourn the meeting. Meeting adjourned.

Meeting adjourned at 8:50 p.m.